

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re JANICE CARRINGTON,

Debtor.

JANICE CARRINGTON,

Appellant  
-against-

SALVATORE LAMONICA and WILLIAM K.  
HARRINGTON, UNITED STATES TRUSTEE,

Appellees.

<b>USDC SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
<b>DOC #:</b> _____
<b>DATE FILED:</b> 10/16/2023

23-CV-6430 (AT) (RWL)

Appeal of Bankruptcy  
Case No. 20-10034-LGB

**ORDER ON OBJECTION**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

Debtor Janice Carrington (“Carrington”), pro se, appeals from an order of the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) converting her case from one under Chapter 11 to one under Chapter 7 (the “Conversion Order”). Also before the Court is Carrington’s motion to stay the bankruptcy proceedings, which will be addressed by separate order. (Dkt. 5.) The appeal and the motion to stay are not the subject of the instant order. Rather, the instant order addresses Debtor’s “Objection To Trustee Motion For Order For Contempt Of Court” (the “Objection”). (Dkt. 12.)

On August 2, 2023, the Bankruptcy Court issued an order, over Carrington’s objection, requiring Carrington to turn over certain documents and proceeds from the sale of a property within seven days under threat of contempt and sanctions for failure to

comply (the “August 2 Order”). (Bkr. Dkt. 371.<sup>1</sup>) On August 22, 2023, based on Carrington’s failure to comply with the August 2 Order, the Chapter 7 Trustee filed a motion seeking entry of an order of contempt. (Bkr. Dkt. 381.) The Court scheduled a hearing on the motion for August 31, 2023. (Bkr. Dkt. 383.) Over Carrington’s objections (Bkr. Dkt. 388-390), and after a hearing, the Bankruptcy Court granted the motion and entered an order finding Carrington in contempt and imposing coercive sanctions in an effort to gain Carrington’s compliance. (Bkr. Dkt. 391.) On September 7, 2023, Carrington filed the instant “Objection To Trustee Motion For Order For Contempt Of Court.” (Dkt. 12.) Carrington filed a Revised Objection on September 11, 2023. (Dkt. 13.)

The Objection is procedurally improper. The Trustee’s Motion that is the subject of the Objection already has been ruled upon by the Bankruptcy Court, after having received and heard Carrington’s objections. There is no motion for contempt before this Court against which Carrington can object or otherwise lodge an opposition.

Accordingly, to the extent Carrington’s Objection opposes in this Court the Trustee’s motion for contempt, it is DENIED.

SO ORDERED:



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: October 16, 2023  
New York, New York

Copies transmitted to all counsel of record and to Debtor.

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<sup>1</sup> “Bkr. Dkt.” refers to the docket of Carrington’s bankruptcy case, No. 20-10034-LGB (S.D.N.Y.). “Dkt.” refers to the docket of the appeal in this Court.